

(2023) 01 MP CK 0126

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.4935 Of 2023

Bhayyu @ Surila @ Ahsan

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 31-01-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 201, 294, 307, 323, 341, 427, 506

Arms Act, 1959 — Section 25

Citation : (2023) 01 MP CK 0126

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Himanshu Bhargava, Ajay Raj Gupta

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

They are heard. Perused the case diary / challan papers.

This is the applicant's FIRST application under Section 439 of Criminal Procedure Code, 1973, as he / she is arrested in connection with Crime No.112/2022 registered at Police Station-Tarana, District-Ujjain (MP) for offence punishable under Sections 307, 341, 294, 323, 427, 506, 201, 34 of the IPC and under Section 25 of the Arms Act. The applicant is in custody since 25.05.2022.

The allegation against the applicant is that he was also involved in the aforesaid offence in which three other accused persons are also involved.

Counsel for the applicant has submitted that the other accused persons Arif Shah and Shahrukh Shah have already been granted bail by this Court in M.Cr.C. Nos. 21710/2022 and 43203/2022 dated 5.5.2022 and 8.9.2022 respectively. Counsel has submitted that the complainants have already turned hostile in the court. So far as the present applicant is concerned, even no recovery has been effected from him. It is further submitted that the applicant is lodged in jail since

25.5.2022 and the final conclusion of the trial is likely to take a long time. Thus, it is submitted that the applicant be released on bail.

Counsel for the respondent / State, on the other hand, has opposed the prayer and it is submitted that there are 30 other cases registered against the present applicant. However, it is not denied that there are no recovery effected from the applicant.

On due consideration of rival submissions and perusal of the case-diary and including the earlier order passed by this Court in the cases of the other co-accused Arif Shah and Sharukh Shah (supra), this Court finds force with the contentions raised by the counsel for the applicant to allow the present application.

Accordingly, without commenting anything on merits of the matter, the present application for grant of bail is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with one surety in the like amount to the satisfaction of the Trial Court for his / her appearance, as and when directed. It is also directed that the applicant shall be abide by the conditions as enumerated under Section 437(3) of Cr.P.C.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per rules.